

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERTO MIRANDA LAVEZZARI,

Plaintiff,

-against-

MICHAEL ZENK, *Former Warden of Moshannon Valley Correctional Center*, JAMES E. BURRELL, *Administrator, Privatization Management Branch (F.B.O.P.)*, BEAR, *Unit Manager of 63 and 61 at Metropolitan Detention Center*, and MS. SMOLLEY, *Case Manager of 63 and 61 at Metropolitan Detention Center*,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

On May 12, 2010, Plaintiff pro se Roberto Miranda Lavezzari ("Lavezzari") filed this action under 42 U.S.C. § 1983 against various state and federal corrections officials for their involvement in his transfer from one Pennsylvania state correctional facility to another, via the federally managed Metropolitan Detention Center (the "MDC"). (Compl. (Docket Entry # 2).) Lavezzari claims that Defendants' handling of his transfer caused him "emotional damage" because he was unable to attend his mother's funeral. (*Id.* at 3.) Despite Lavezzari's initiation of this action in May 2010, he has had absolutely no contact with the court—despite its and Defendants' repeated attempts to get in touch with him—since November 2010. (R&R (Docket Entry # 40) at 3.) On April 5, 2011 Defendant Michael Zenk filed a motion to dismiss for failure to prosecute. (Docket Entry # 33.) And on May 6, 2011 the remaining Defendants filed a similar motion to dismiss. (Docket Entry # 36.) The court referred these motions to Magistrate Judge Andrew Carter for a Report and Recommendation. (Docket Entry # 39.) On August 5, 2011,

Magistrate Judge Carter recommended dismissing the action in its entirety, with prejudice, for failure to prosecute. (R&R.)

No party has objected to Judge Carter's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). Having reviewed Judge Carter's R&R, the court adopts it in its entirety. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007). Accordingly, the court GRANTS Defendants' motions to dismiss for failure to prosecute (Docket Entry ## 33, 36). The court directs the Clerk of Court to close this case.

SO ORDERED.

Dated: Brooklyn, New York
August 22, 2011

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge